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H – 1162

International Court of Justice

H1162 – 0001

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JULIUS STREICHER

TRIAL BRIEF

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JULIUS STREICHER

TRIAL BRIEF

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JULIUS STREICHER

PART I. RELEVANT SECTIONS OF INDICTMENT

APPENDIX A.

"The defendant STREICHER between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, a General in the SA, Gauleiter of Franconia, Editor in Chief of the anti-Semitic newspaper "Der Stürmer." The defendant STREICHER used the foregoing positions, his personal influence, and his close connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment: he authorized, directed and participated in the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the incitement of the persecution of the Jews set forth in Count One and Count Four of the Indictment."

COUNT ONE

Para. III. Statement of the Offense

"All the defendants, with divers other persons, during a period of years preceding 8th May, 1945, participated as leaders, organizers, instigators or accomplices in the formulation or execution of a common plan or conspiracy to commit, or which involved the commission of, Crimes against Peace, War Crimes, and Crimes against Humanity, as defined in the Charter of this Tribunal, and, in accordance with the provisions of the Charter, are individually responsible for their own acts and for all acts committed by any persons in the execution of such plan or conspiracy. The common plan or conspiracy embraced the commission of Crimes against Peace, in that the defendants planned, prepared, initiated and waged wars of aggression, which were also wars in violation of international treaties, agreements or assurances. In the development and course of the common plan or conspiracy it came to embrace the commission of War Crimes, in that it contemplates, and the defendants determined upon and carried out, ruthless wars against countries and populations, in violation of the rules and customs of war, including as typical and systematic means by which the wars were prosecuted, murder, ill-treatment, deportation for slave labour and for other purposes of civilian populations of occupied territories, murder and ill-treatment of prisoners of war and of persons on the high seas, the taking and killing of hostages,

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the plunder of public and private property, the wanton destruction of cities, towns and villages, and devastation not justified by military necessity. The common plan or conspiracy contemplated and came to embrace as typical and systematic means, and the defendants determined upon and committed, Crimes against Humanity, both within Germany and within occupied territories, including murder, extermination, enslavement, deportation, and other inhumane acts committed against civilian populations before and during the war, and persecutions on political, racial or religious grounds, in execution of the plan for preparing and prosecuting aggressive or illegal wars, many of such acts and persecutions being violations of the domestic laws of the countries where perpetrated."

Para.IV (D) 3.

"Thus possessed of the machinery of the German State, the Nazi conspirators set about the consolidation of their position of power within Germany, the extermination of potential internal resistance and the placing of the German nation on a military footing....."

(d) "Implementing their "master race" policy, the conspirators joined in a program of relentless persecution of the Jews, designed to exterminate them. Annihilation of the Jews became an official State policy, carried out both by official action and by incitements to mob and individual violence. The conspirators openly avowed their purpose. For example.....The defendant STREICHER declared: "The sun will not shine on the nations of the earth until the last Jew is dead." These avowals and incitements were typical of the declarations of the Nazi conspirators throughout the course of their conspiracy. The program of action against the Jews included disfranchisement, stigmatization, denial of civil rights, subjecting their persons and property to violence, deportation, enslavement, enforced labor, starvation, murder and mass extermination. The extent to which the conspirators succeeded in their purpose can only be estimated, but the annihilation was substantially complete in many localities of Europe. Of the 9,600,000 Jews who lived in the parts of Europe under Nazi domination, it is conservatively estimated that 5,700,000 have disappeared, most of them deliberately put to death by the Nazi conspirators. Only remnants of the Jewish population of Europe remain."

COUNT FOUR

Para. X. Statement of the Offense.

"All the defendants committed Crimes against Humanity during a period of years preceding 8th May, 1945, in Germany and in all those countries and territories occupied by the German armed forces since 1st September, 1939 and in Austria and Czechoslovakia and in Italy and on the High Seas.

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"All the defendants, acting in concert with others, formulated and executed a common plan or conspiracy to commit Crimes against Humanity as defined in Article 6(c) of the Charter. This plan involved, among other things, the murder and persecution of all who were or who were suspected of being hostile to the Nazi Party and all who were or who were suspected of being opposed to the common plan alleged in Count One.

The said Crimes against Humanity were committed by the defendants and by other persons for whose acts the defendants are responsible (under Article 6 of the Charter) as such other persons, when committing the said War Crimes, performed their acts in execution of a common plan and conspiracy to commit the said War Crimes, in the formulation and execution of which plan and conspiracy all the defendants participated as leaders, organisers, instigators and accomplices.

These methods and crimes constituted violations of international conventions, of internal penal laws, of the general principles of criminal law as derived from the criminal law of all civilised nations and were involved in and part of a systematic course of conduct. The said acts were contrary to Article 6 of the Charter.

The prosecution will rely upon the facts pleaded under Count Three as also constituting Crimes and Humanity."

"(A) Murder, Extermination, Enslavement, Deportation and other Inhumane Acts committed against Civilian Populations before and during the War.

For the purposes set out above, the defendants adopted a policy of persecution, repression, and extermination of all civilians in Germany who were, or who were believed to, or who were believed likely to become, hostile to the Nazi Government and the common plan or conspiracy described in Count One. They imprisoned such persons without judicial process, holding them in "protective custody" and concentration camps, and subjected them to persecution, degradation, despoilment, enslavement, torture and murder."

"(B) Persecution on Political, Racial and Religious Grounds in execution of and in connection with the Common Plan mentioned in Count One.

As above stated, in execution of and in connection with the common plan mentioned in Count One, opponents of the German Government were exterminated and persecuted. These persecutions were directed against Jews. They were also directed against persons whose political belief or spiritual aspirations were deemed to be in conflict with the aims of the Nazis.

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Jews were systematically persecuted since 1933; they were deprived of their liberty, thrown into concentration camps where they were murdered and ill-treated. Their property was confiscated. Hundreds of thousands of Jews were so treated before the 1st September, 1939.

Since the 1st September, 1939, the persecution of the Jews was redoubled: millions of Jews from Germany and from the occupied Western Countries were sent to the Eastern Countries for extermination.

Particulars by way of example and without prejudice to the production of evidence of other cases are as follows:

The Nazis murdered amongst others Chancellor Dollfuss, the Social Democrat Breitscheid and the Communist Thaelmann. They imprisoned in concentration camps numerous political and religious personages, for example Chancellor Schuschnigg and Pastor Niemöller.

In November, 1938 by orders of the Chief of the Gestapo, anti-Jewish demonstrations all over Germany took place. Jewish property was destroyed, 30,000 Jews were arrested and sent to concentration camps and their property confiscated."

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PART II.

Evidence of Streicher's participation in :-

(a) The formulation and execution of the common plan or conspiracy (Count 1 para.III).

(b) The consolidation of the Nazi position of power within Germany and the extermination of potential internal resistance (Count 1 para IV (D) 3).

(c) The implementation of the "Master Race" policy (Count 1 para IV (D) 3 (d)).

(d) The program of relentless persecution of the Jews designed to exterminate them. (Count 1 para IV (D) 3 (d) and Count IV).

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1. BIOGRAPHY

(1) Early History

Born 1885

Became schoolteacher in Nurnberg.

Became leader of German Socialist Party.

1922 handed over German Socialist Party to Hitler.

See "Mein Kampf" (Hutchinson's Unexpurgated English Edition p.440) M 3

(2) Appointments

1921 - 1945 Party Member N.S.D.A.P. PS 2975

1925 - Feb 1940 Gauleiter of Franconia.

1933 - 1945 Member of Reichstag.

Obergruppenfuehrer in S.A.

(3) Newspapers owned or controlled by Streicher

1922 - 1933 Editor and Publisher of "Der Sturmer".

1933 - 1945 Publisher of "Der Sturmer".

1933 Founded "Fraenkische Tageszeitung".

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2. 1922 - 1933

From his earliest days as a member of the N.S.D.A.P. Streicher led the party's propaganda against the Jews and advocated the principle of the "Master Race." From 1922 until 1945, by his speeches and newspapers and in his capacity as Gauleiter of Franconia he continuously incited the German people and the outside world to persecute and annihilate the Jewish race.

(1) EXTRACTS FROM SPEECHES 1922 - 1933

23 Nov 1922 Speech in Nurnberg
(Kampf dem Weltfeind p.17-20) M 11

20 Nov 1924 Speech in Bavarian Diet
(Kampf dem Weltfeind p.30-34) M 12

3 April 1925 Speech in Nurnberg
(Kampf dem Weltfeind p.42) M 13 annihilate

Note: That speech gave birth to the watchword which, 14 years later, was to become the official policy of the Nazi Government - the Annihilation of the Jews.

21 Apr 1932 Speech in Nurnberg (K.W. 134) M 14

(2) THE BOYCOTT OF 1 APRIL 1933

In March 1933 the Anti-Jew Boycott was planned by the Reich Government. Goebels in his diary published under the title "Vom Kaiserhof sur Reichskanzlei" (From the Kaiserhof Hotel to the Reich Chancellory) writes:- (PS 2409 (US 262 Referred to in Transcript p. 1442

"29 March 1933. The boycott appeal is approved by the entire Government." (p.290)

"31 March 1933. We are having a last discussion among a small circle, and resolve that the boycott is to begin tomorrow with all ferocity." (p.290)

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On 29 March 1933 a "Central Committee to combat Jewish Horror and boycott Agitation" was organised. In a notice issued by that Committee on 29 March it was announced (NSK No.357) -

"Julius Streicher, member of the Reichstag, commissioned with the task of creating and directing the Central Committee for defense against Jewish horror and boycott agitation, began his work on Wednesday, 29 March. As presiding deputy of the Central Committee he appointed Karl Holz (Nurnberg), the Editor of the Anti-Semitic weekly "Der Sturmer". The other members of the Central Committee are - Robert Ley, Heinrich Himmler, Hans Frank, etc."

(PS 2156
(US 263
Referred to in transcript p.1442

On the same day, 29 March 1933, the Party Executive of the N.S.D.A.P. issued a Proclamation which included the following items (V.B. 29 March 1933) M 7

"Proclamation of the party executive of the national-socialist party. Saturday at 10 a.m. sharp, Jewry will realise whom it has challenged!

Instructions for the whole party

The following instructions are issued to all party offices and party organisations:

Item 1. Action committees for boycotting Jews.

In every local branch and formation of the national-socialist party organisation action committees are to be formed without delay for the practical and systematical carrying out of a boycott of Jewish commercial enterprises, Jewish goods, Jewish doctors and Jewish lawyers. The action committees are responsible for seeing that no innocent party is hit by the boycott but that it will hit the guilty parties all the harder.

Item 4. Central leadership: Party member Streicher

In cases of doubt commercial enterprises will not be boycotted until the Central Committee in Munich has issued definite instructions to the contrary. Chairman of the Central Committee is Party member Streicher.

Item 8. The Boycott starts on April 1st!

The boycott will not commence spasmodically, but with one blow. All preparations are to be made with this end in view. The SA and the SS are instructed to warn the population by means of pickets from entering Jewish enterprises once the boycott has started. The commencement of the boycott will be announced through posters, through the press, by means of leaflets, etc.
The boycott will start at one blow on April 1st at 10 a.m. sharp.

The national-socialist party.
The party executive." (3323)

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The following day, 30 March 1933, Streicher published an article in the Nationalsocialistische Partei Korrespondenz (NSK No.358) entitled "Defeat the Enemy of the world." This article concluded with the passage:- PS 2153

> "All Judah wanted the battle, it shall have it! It shall have it until it realises that the Germany of the Brown Battalions is not the Germany of cowardice and of surrender. All Judah shall have the battle until victory is ours. National Socialists! Defeat the enemy of the world! And if the world were full of devils, we must still succeed!

As head of the Central Committee Streicher outlined in detail the organisation of the boycott on a national basis in orders from the Committee published on 31 March 1933 (NSK No.359). These included:- PS 2154

> "Order No.3. In enforcing the defensive boycott the closing of Jewish businesses or the use of violence against their customers is to be avoided in all circumstances. If such an establishment closes its doors voluntarily, no higher power is involved and the proprietors have no excuse for discharges without notice or for the refusal to pay wages and walaries or for reductions.
>
> Order No.4. Numerous reports are received..... saying that Jewish proprietors are transferring their establishments to German figureheads in order to avoid the effects of the defensive propaganda. Therefore it is declared that establishments transferred to German figureheads by their Jewish proprietors after 28 March 1933 will be considered as Jewish establishments for the duration of the defensive boycott."
>
> Sgd. Streicher.

To ensure success of the boycott Streicher spoke in Munich on 31st March 1933. His speech was reported in 1/2 April 1933 Voelkischer Beobachter. M 33

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3. 1933 - 1937

(1) EXTRACTS FROM SPEECHES AND WRITINGS 1933-1937

Jan 1935	Article in New Year's issue of Deutsche Volksgesundheit aus Blut und Boden	M 20
Jan 1935	Der Sturmer (No.2): Article entitled "The Chosen People of the Criminals"	PS 2697
4 Oct 1935	Speech (Voelkischer Beobachter 6 Oct 35)	M 34
Mar 1936	Der Sturmer (No.10): Article entitled "Jewish Blood in a Priest's Robe"	M 21
Sept 1936	Der Sturmer (No.39): Leading Article by Streicher	M 6
June 1937	Der Sturmer (No.23): Photograph of Burning Zeppelin "Hindenburg"	M 23
5 Sept 1937	Speech (Fraenkische Tageszeitung)	M 4

"quand le monde sera débarrassé des juifs"

(2) EXTRACTS FROM DER STURMER'S CORRESPONDENCE COLUMNS

Mar 1936	Der Sturmer (No.10): Letter entitled "He calls himself a Party Member"	M 26
Mar 1936	Der Sturmer (No.11): Letters entitled "She must stick to the Jews"	M 28
	"Friends of the Jews on the Moselle"	M 27

(3) "RITUAL MURDER"

In 1934 Streicher commenced his "Ritual Murder" propaganda. Thereafter, in spite of the protests and indignation of the whole world, he continued it relentlessly:-

10 May 1935	Speech (Fraenkische Tageszeitung No 108)	M 2
Apr 1937	Der Sturmer (No.14)	
	Cartoon entitled "Ritual Murder at Polna"	M 24
	Leading Article on Ritual Murder	PS 2699 US 258 referred to in transcript p.1437
July 1938	Der Sturmer (No.28): Article entitled "The Ritual Murder. Jews slaughter men"	PS 2700
May 1939	Der Sturmer Special Issue. Streicher's letter to Archbishop of Canterbury.	M 10

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4. 1938 PROPAGANDA AND PERSECUTION

(1) INCREASING FEROCITY OF PROPAGANDA

Jan 1938	Der Stumer Special Issue (No.8) Article on Blood Pollution Headlines of other Articles	 M 39 M 40
July 1938	Der Stumer (No.28) Leading Article by Holtz	M 35
Sep 1938	Der Stumer (No.38) Leading Article by Holtz	M 36
Dec 1938	Der Stumer (No.50) Article entitled "Two little Talmud Jews" Cartoon entitled "Castration for Race Polluters"	 PS 2698 M 38

(2) THE BREAKING UP OF THE NURNBERG SYNAGOGUE 10 Aug 1938

On 10 Aug 1938 Streicher organised the breaking up of the Synagogue on the occasion of a Rally of Press Correspondents in Nurnberg. Evidence:-

Programme of Entertainment for Press Rally dated 4 August 1938 — (PS 1724 (M 5 (US 266 Referred to in transcript p.1443

"The breaking up of the Synagogue (information must still be kept secret). On 10 Aug 1938 at 10 o'clock A.M. the break up of the Synagogue will commence. Gauleiter Julius Streicher will personally set the crane in motion with which the Jewish symbols (Star of David etc.) will be torn down. This should be arranged in a big way. Closer details are still unknown."

11 Nov 1938 Fraenkische Tageszeitung — (PS 2711 (US 267 Referred to in transcript p.1443

Published an account of the previous day's demonstration:-

p.1. "SYMBOLIC ACTION. In Nurnberg the Synagogue is being demolished! Julius Streicher himself inaugurates the work by a speech lasting an hour and a half. By his order then - so to speak as a prelude of the demolition - the tremendous Star of David came off the cupola."

p.4. Under a picture of the Star of David appears the caption:-

"The Crown of the Cupola, the Jewish Star of David, disappears for ever."

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(3) NOVEMBER 1938 DEMONSTRATIONS

The account of the Demonstrations in Nurnberg and Furth on 9/10 November 1938 and Streicher's speech during the Demonstrations are published in the Fraenkische Tageszeitung 11 Nov 1938:-

Account of Demonstrations	M 42
Streicher's speech	M 41

(4) ARYANISATION OF JEWISH PROPERTY IN FRANCONIA AND THE GOERING COMMISSION

After the Nov 1938 Demonstrations, irregularities occurred in the method employed in the Aryanisation of Jewish businesses in the Gau of Franconia. Early in December 1938 Goering, as Commissioner for the Four Years Plan, appointed a Special Commission under Meisinger to investigate these irregularities. Details of what had taken place are found in the Commissions Report:-

"**By an order dated 2nd September 1938 issued by the Reich Chancellor of the Exchequer party offices** were forbidden to accept administrative dues, gifts or material payments of any other kind for their participation in the Reich economic tasks, e.g. Aryanisation of Jewish firms. PS 1757 (Part 1 p.9

The report continues :-

"From the course of events one can only assume that the Reich Chancellor of the Exchequer's order of the 2nd September 1938 about the ban on financial payments for the cooperation of the Party in Aryanisation and other economic tasks was considered in Franconia to be superseded, and that they thought themselves entitled to obtain considerable sums of money for the Gau of Franconia in connection with Aryanisation." PS 1757 (Part 1 p.12

An account of what had happened was given by Deputy Gau Leader Holtz in a statement of the 25 March 1939 published in the Commissions Report -

"In the night of the 9/10 November and on the 10th November 1938 events took place throughout Germany which I considered to be the signal for a completely different treatment of the Jewish question in Germany.

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Synagogues and Jewish schools were burnt down and Jewish property was smashed both in shops and in private houses. Besides this, a large number of particular Jews were taken to concentration camps by the police. Towards midday we discussed these events in the Gauleiter's house. All of us were of the opinion that we now faced a completely new state of affairs on the Jewish question. By the great action against the Jews, carried out in the night and morning of the 10 November, all guiding principles and all laws on this subject had been made illusory. We were of the opinion (particularly myself) that we should now act on our own initiative in this respect. I proposed to the Gauleiter that, in view of the great existing lack of housing, the best thing would be to put the Jews into a kind of internment camp. Then the houses would become free in a twinkling and the housing shortage would be relieved, at least in part. Besides that, we would have the Jews under control and supervision.
I added 'The same thing happened to our prisoners of war and war internees.' The Gauleiter said that this suggestion was, for the time being, impossible to carry out. Thereupon I made a new proposal to him: I said to him that I considered it unthinkable that, after the Jews had had their property smashed they should continue to be able to own houses and land. I proposed that these houses and this land ought to be taken away from them, and declared myself ready to carry through such an action. I declared that by the Aryanisation of Jewish land and houses a large sum could accrue to the Gau out of the proceeds. I named some millions of marks. I stated that, in my opinion, this Aryanisation could be carried out as legally as the Aryanisation of shops. The Gauleiter's answer was something to this effect: "If you think you can carry this out, do so. The sum gained will then be used to build a Gau school.'
The very same afternoon I began to organize the Aryanisation of land. I stated here as in my memorandum, too, that I considered this Aryanisation of Jewish land as a logical continuation of the events of the 9th and 10th November. I was of the opinion that I was doing a service to the Party by trying to bring it money. I was further of the opinion that the transfer of the land and houses from Jewish to German hands was a National-Socialist action."

The report continues:-

"The Aryanisation was accomplished by the alienation of properties, the surrender of claims, especially mortgage claims, and reductions in buying price.

The payment allowed the Jews was basically 10% of the nominal value or nominal sum of the claim. As a

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justification for these low prices, Holtz claimed.....that the Jews had mostly bought their property during the inflation period for a tenth of its value. As has been shown by investigating a large number of individual cases selected at random, this claim is not true."

The report sets out various examples of favouritism shown to third parties and other irregularities which occurred during the Aryanisation (See PS 1757, Part II) PS 1757 Part II

In February 1940 Streicher was dismissed from his position as Gauleiter.

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5. 1940 - 1945 PROPAGANDA

Although deprived of his position of Gauleiter, Streicher continued with unabated fury his incitement of the German people for the persecution and complete extermination of the Jewish Race.

31 Oct 1939	Speech	PS 2583
19 Mar 1942	Der Sturmer (No.12): Editorial	M 31 (PS 1957)
4 Nov 1943	Der Sturmer: Article by Streicher	PS 1965

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6. YOUTH INDOCTRINATION

Streicher indoctrinated the German Youth with Anti-Semiticism and the theory of the Master Race.

(1) SPEECHES

26 June 1925	Speech in Bavarian Diet	M 30
19 Mar 1934	Address to young girls of a vocational training centre in Nurnberg (Fraenkische Tageszeitung)	M 43
22 June 1935	Speech to Hitler Youth on "The Holy Mountain" outside Nurnberg during Solstice celebrations (Fraenkische Tageszeitung 24 June 35)	M 1
21 Dec 1936	Children's Xmas celebrations (Fraenkische Tageszeitung 22 Dec 36)	
	Streicher's address Photograph	M 44

(2) BOOKS

"Jewish Question and School Instruction" — M 46

Published by Der Sturmer 1937
Preface by Streicher

The book is addressed to school teachers, emphasizes the necessity of Anti-Semitic teaching in schools and suggests ways in which the subject can be introduced and handled.

"Don't trust the Fox on a green meadow nor the Jew on his Oath" — M 32

Published by Der Sturmer 1936
Described as "A Picture Book for Grown-ups and Little Ones"

"The Poisonous Fungus"

Published by Der Sturmer 1938
Described as "A Sturmer Book for Young and Old."

(PS 1778
(US 257
Referred to in transcript p.1436

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(3) THE EFFECT OF THIS PROPAGANDA

April 1936 Der Sturmer (No.16). Letter from the boys and girls of the National Socialist Youth Hostel, Grossmollen.

M25

(3344)

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7. STREICHER'S AUTHORITY, ASSOCIATION AND PERSONAL INFLUENCE.

(1) AUTHORITY AS GAULEITER (See Organisation book of N.S.D.A.P. 1938) PS 1814

Gauleiters were appointed by and responsible to Hitler himself.

"The Gau represents the concentration of a number of Party Kreise. The Gauleiter is directly subordinate to the Fuehrer."

"The Gauleiters bear overall responsibility to the Fuehrer for the sector of sovereignty entrusted to him. The rights, duties and jurisdiction of the Gauleiter result primarily from the mission assigned by the Fuehrer, and apart from that, from detailed directives."

(2) ASSOCIATION WITH NAZI LEADERS

Hitler's visit to Nurnberg and speech on the occasion of Streicher's 50th birthday. (Voelkischer Beobachter 13 Feb 1935) M 8

Letter dated 19 Jan 1937 from Himmler published in Der Sturmer (No.14) April 1937 M 22

Letter from von Schirach published in Der Sturmer (No.3) Jan 1938. M 45

Filed Jan. 5, 1946
IMT Secretary

INTERNATIONAL MILITARY TRIBUNAL

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Jan 5/46

BRITISH TRIAL BRIEF

JULIUS STREICHER

Julius Streicher

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